

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

ROBERT E. HELM,

Defendant.

CASE NO. 8:10CR13

MEMORANDUM AND ORDER

This matter is before the Court on the Defendant's motion for leave to file a notice of appeal out of time (Filing No. 50).

On November 15, 2010, the Court entered Judgment and sentenced the Defendant to 262 months imprisonment and 5 years supervised release (Filing No. 48). On October 11, 2011, the Defendant filed his motion (Filing No. 50).

Federal Appellate Rule of Procedure 4(b)(1)(A)(i) provides that, under the circumstances presented in this case, a criminal defendant's notice of appeal must be filed within 14 days of the entry of the judgment or order being appealed. Federal Appellate Rule of Procedure 4(b)(4) provides that the 14-day period may be extended by 30 days upon a finding of excusable neglect or good cause. In this case, the notice of appeal is untimely. The Defendant has not shown excusable neglect or good cause.

IT IS ORDERED:

1. The Defendant's motion for leave to file a notice of appeal out of time (Filing No. 50) is denied; and
2. The Clerk is directed to mail a copy of this order to the Defendant at his last known address.

DATED this 13th day of October, 2011.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge